

Fresno, California

May 4, 2004

The City Council met in regular session at the hour of 8:32 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Acting Council President
	Cynthia Sterling	Councilmember
	Brad Castillo	Council President

Dan Hobbs, City Manager
Andy Souza, Assistant City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Cindy Bruer, Deputy City Clerk

Councilmember Dages gave the invocation, and Councilmember Duncan led the Pledge of Allegiance to the Flag.

SPCA PET OF THE MONTH - COUNCILMEMBER CALHOUN

PROCLAMATION OF BE KIND TO ANIMALS WEEK - COUNCILMEMBER CALHOUN

PROCLAMATION OF PEACE OFFICERS' MEMORIAL DAY - MAYOR AND CITY COUNCIL

PROCLAMATION OF EOC FOSTER GRANDPARENT PROGRAM DAY - ACTING PRESIDENT PEREA

PROCLAMATION TO GEORDIE JONES, THOMAS RICHARDS AND GARY BRUNO - COUNCILMEMBER BOYAJIAN

PROCLAMATION OF WORLD ASTHMA DAY - PRESIDENT CASTILLO

The pet of the month, a dwarf rabbit, was profiled, and the above proclamations were read and presented.

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APPROVE MINUTES:

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of April 27, and 30, 2004, approved as submitted.

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COUNCILMEMBER REPORTS AND COMMENTS:

DIRECT STAFF TO TAKE IMMEDIATE ACTION TO CITE PEOPLE IN VIOLATION OF SELLING USED CARS IN NON-DESIGNATED AREAS CITY-WIDE - COUNCILMEMBER DUNCAN

Councilmember Duncan stated there is a major problem in District 6 with the selling of used cars in non-designated areas and requested immediate action be taken to cite those in violation of the Fresno Municipal Code. City Manager Hobbs stated staff would investigate the addresses of the violators.

DIRECT STAFF TO PREPARE A REPORT ON PROVIDING HANDGUNS TO THE SECURITY GUARDS AT CITY HALL - COUNCILMEMBER DUNCAN

Councilmember Duncan requested staff prepare a report on providing handguns to the security guards at City Hall and emphasized the importance of providing safety for the employees and the citizens in City Hall, with Mr. Hobbs stating there were several issues involved such as training and liability, but would research the matter.

REQUEST PREPARATION OF NECESSARY DOCUMENTS TO BE PROVIDED AT THE SPECIAL MEETING OF MAY 13, 2004, IN SACRAMENTO REGARDING PROTECTION OF THE CITY AND COUNTY OF FRESNO'S BUDGET - COUNCILMEMBER CALHOUN

Councilmember Calhoun stated the League of California Cities was placing a proposal on the November ballot to protect the City and County of Fresno's budgets from the State of California, stated there was a special meeting scheduled for May 13, 2004, in Sacramento to negotiate the issue and questioned who was going to represent the City of Fresno. **(2-0)** Mr. Hobbs stated he has been coordinating with the Mayor's Office on the City's representation and extended an invitation to all the Councilmembers. Councilmember Calhoun stated a vote would take place at 8:30 a.m on May 13th regarding placement of the proposal on the November ballot and requested an item be placed on the May 11, 2004, Council agenda for discussion and to give direction to prepare all necessary documents to submit to Sacramento by May 13th.

REQUEST PRESENTATION BY THE CHIEF OF POLICE ON MAY 11, 2004, TO DISCUSS THE GANG PROBLEMS IN THE CITY OF FRESNO - COUNCILMEMBER CALHOUN

Councilmember Calhoun requested Police Chief Dyer be scheduled to make a presentation at the May 11, 2004, Council meeting relating to the strategic planning of reducing the problem with gangs and also to discuss what the Council could do to assist with the reduction. Mr. Hobbs recommended the Council deliberate long and hard on the Public Safety Commission Report and the FY 05 budget to address the issue. President Castillo questioned the State subsidy received by the County of Fresno for parolees and sex offenders coming into the City's jurisdiction with City Attorney stating she would provide the information.

COMMENDATION TO THE CRUISE CONTROL PROGRAM - COUNCILMEMBER DAGES

Councilmember Dages commended Graffiti Enforcement Supervisor Lim and Jimmy Vasquez for their hard work regarding cruise control which began last weekend.

PRESENCE OF AGENTS OF GRACE AT THE PINK HOUSE - COUNCILMEMBER STERLING

Councilmember Sterling recognized the Agents of Grace at the Pink House, who identified themselves by wearing green shirts with beige writing, and who went out into the community over the last weekend assisting many citizens, and thanked the Police Department for their involvement in Neighborhood Watch and other community activities.

DRINKING FOUNTAINS AT WOODWARD PARK AND EATON TRAIL AND REQUEST TO REPAIR AND INSTALL - COUNCIL PRESIDENT CASTILLO

President Castillo stated he had made a request two weeks ago to repair a water fountain at Woodward Park which has not been addressed and requested an additional water fountain be installed at the end of Eaton Trail with Mr. Hobbs stating the matter would be taken care of immediately.

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APPROVE AGENDA:

At the request of Councilmember Calhoun, and with Council concurrence, item 3A will be heard as soon as possible as people were present to address the item.

(2-B) APPROVE A CONTRACT WITH THE FRESNO RESCUE MISSION INC., TO PROVIDE ALTERNATIVE PLACEMENT OF INEBRIATED INDIVIDUALS TO THE POLICE DEPARTMENT

(3:00 P.M.) REGULAR MEETING OF THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF APRIL 27, 2004

(“A”) AWARD A CONTRACT TO GARCIA PAVING COMPANY, INC., OF FRESNO, FOR ELM AVENUE BEAUTIFICATION FROM JENSEN TO NORTH AVENUES (AGENCY ACTION)

City Clerk Klisch announced item 2B had been removed from the agenda by staff; the entire 3:00 p.m. Redevelopment Agency items had been removed by the Agency; and noted Consent Calendar item 1A had a correction on page two which should read the bid process opened on April 15, not May 15.

(3-B) DIRECT STAFF TO CHANGE THE DESIGNATION OF BASIN B-F FROM GROUNDWATER RECHARGE BASIN TO BASIN PARK DESIGNATION - COUNCILMEMBER DAGES

Laid over one week to May 11, 2004.

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On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, **RESOLVED**, the **AGENDA** hereby approved as amended, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

(1-A) REJECT ALL BIDS FOR WIRELESS DATA COMMUNICATION SYSTEMS FOR THE POLICE DEPARTMENT BECAUSE THE BIDS RECEIVED SUBSTANTIALLY EXCEED THE BUDGET ALLOCATION

(1-B) APPROVE THE AMENDED AGREEMENT WITH THE UNITED WAY OF FRESNO COUNTY TO CONTINUE THE WEED AND SEED PROGRAMS IN THE SOUTHEAST AND SOUTHWEST POLICING DISTRICTS FOR THE PERIOD OF OCTOBER 1, 2003 - SEPTEMBER 30, 2004, WITH THE OPTIONS FOR EXTENSIONS SHOULD ADDITIONAL FUNDS BECOME AVAILABLE

1. RESOLUTION NO. 2004-150 - 83RD AMENDMENT TO AAR 2003-209 APPROPRIATING \$102,600 FOR THE WEED AND SEED PROGRAM

(1-C) AUTHORIZE THE ACCEPTANCE OF FISCAL YEAR 2004 GRANT FUNDS FROM THE STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY

1. RESOLUTION NO. 2004-151 - 82ND AMENDMENT TO AAR 2003-209 APPROPRIATING \$47,800 FROM THE FRESNO POLICE DEPARTMENT’S CALIFORNIA SEAT BELT COMPLIANCE CAMPAIGN (CSBCC) FY 2004 GRANT PROGRAM

(1-D) RESOLUTION NO. 2004-152 - APPROVING THE FINAL MAP OF TRACT NO 5127 AND ACCEPTING THE DEDICATED PUBLIC USES THEREIN, NORTHWEST CORNER OF E. JENSEN AND S. SUNNYSIDE AVENUES

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE

2. AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT PROVIDING SPECIAL SOLID WASTE DISPOSAL SERVICES FOR CERTAIN LOTS

3. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN

(1-E) APPROVE THE AMENDMENT TO MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF FRESNO AND THE CITY TO CONTINUE THE MANAGEMENT OF THE COUNTYWIDE AB 939 HOUSEHOLD HAZARDOUS WASTE (HHW) PROGRAMS AND RELATED EDUCATION AND PUBLIC INFORMATION PROGRAMS IDENTIFIED IN THE AB 939 SOURCE REDUCTION RECYCLING ELEMENT (SRRE) PLANS, AND AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES TO EXECUTE THE MOU ON BEHALF OF THE CITY

(1-F) APPROVE THE ACQUISITION OF A STREET EASEMENT ACROSS A PARCEL AT THE NORTHWEST CORNER OF NORTH AND EAST AVENUES (APN 329-032-28) FOR THE WIDENING OF NORTH AVENUE BETWEEN FREEWAY ROUTE 41 AND FREEWAY ROUTE 99, AND AUTHORIZE THE INTERIM PUBLIC WORKS DIRECTOR TO EXECUTE THE PURCHASE DOCUMENTS AND PURSUE THE COMPLETION OF THE RIGHT OF WAY ACQUISITION PROCESS

(1-G) APPROVE THE SECOND AMENDMENT TO THE AGREEMENT WITH PROVOST AND PRITCHARD ENGINEERING GROUP, INC., FOR ADDITIONAL PROFESSIONAL ENGINEERING SERVICES FOR THE REVISIONS TO PLANS AND GENERAL CONSTRUCTION CONTRACT DOCUMENTS FOR WIDENING OF HERNDON AVENUE BETWEEN WEBER AND POLK AVENUES IN THE AMOUNT OF \$19,100, AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY

Barbara Hunt, 2475 S. Walnut spoke on items 1A, 1C, 1E and 1H.

On motion of Councilmember Duncan, seconded by Acting President Perea, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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(3-A) CONSIDER SETTING A HEARING ON AN APPEAL OF THE PLANNING AND DEVELOPMENT DIRECTOR'S APPROVAL OF CONDITIONAL USE PERMIT APPLICATION NO. C-02-226 FILED BY WILKINS ENTERPRISES, FOR 20+ ACRES LOCATED AT THE NORTHEAST CORNER OF W. HERNDON AND N. VALENTINE AVENUES - COUNCILMEMBER CALHOUN

Planning Manager Unruh provided a brief overview and stated the Bullard Implementation Committee recommended approval of the proposal.

Al Solis, representing the developer, stated the issues raised at the Planning Commission meeting could be addressed and requested Council set a hearing.

Barbara Hunt, 2475 S. Walnut spoke to the issue.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the request to set a date and time for Council's public hearing to review and consider the above listed appeal hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

Councilmember Calhoun requested the hearing be scheduled in the afternoon for citizen convenience. The above item was discussed again later in the meeting.

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(2-A) APPROVE AN ADDENDUM TO THE HOME INVESTMENT PARTNERSHIP PROGRAM AGREEMENT BETWEEN THE CITY OF FRESNO AND THE COALITION FOR URBAN RENEWAL EXCELLENCE (CURE) ALLOWING FOR THE PURCHASE OF CITY-OWNED RESIDENTIAL PROPERTY BY CURE

Interim Housing Manager Sagala reviewed the staff report and recommended approval.

Barbara Hunt, 2475 S. Walnut Avenue spoke to the issue.

Nathan Magsig, Executive Director of CURE, gave a brief overview of the program, stated there were currently 20 homes being built and requested approval.

Councilmember Sterling commended staff and the coalition, stating there was one property in District 3 on which a home would be built and the group has always provided a good quality of home for the lower income families.

A motion to approve staff recommendation was voted upon after brief discussion.

President Castillo stated the program was excellent and questioned whether the program extended to Clovis as well as other parts of the community with Mr. Magsig responding the main focus was on the City of Fresno and added the houses would be built prior to placing them on the market.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the addendum to the Home Investment Partnerships Program (HOME) Agreement between the City of Fresno and the Coalition for Urban Renewal Excellence (CURE) dated June 23, 2003, enabling CURE to purchase real property owned by the City of Fresno, hereby approved by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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UNSCHEDULED ORAL COMMUNICATION

Barbara Hunt, 2475 S. Walnut, spoke to the issues of security at City Hall, the City budget, budget hearings and the Sphere of Influence. No action taken.

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(10:00 A.M.) HEARING ON REZONE APPLICATION NO. R-03-22 AND ENVIRONMENTAL FINDINGS, FILED BY FRANCISCO ALVARADO, PROPERTY LOCATED ON THE NORTHWEST CORNER OF N. VAN NESS AVENUE AND THE FREEWAY 180 ON-RAMP IN COUNCIL DISTRICT 3

- 1. CONSIDER AND ADOPT A CATEGORICAL EXEMPTION FRO ENVIRONMENTAL ASSESSMENT NO. R-03-22**
- 2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-5 TO C-6**

President Castillo announced the time had arrived to consider the issue and opened the hearing.

Planner Salinas gave a brief overview and stated letters have been received supporting the project, which are on file in the City Clerk's Office. Ms. Salinas stated a used car lot would not be built on the property and emphasized the Tower District Implementation Committee and the Planning Commission recommended approval.

(3-0) Speaking to the issue were: Mr. Vasquez, representing applicant, who reiterated that a used car lot would not be built on the subject property; Barbara Hunt, 2475 S. Walnut; Bruce Owdem, member of the Tower District Specific Implementation Plan Committee, opposed the rezone, stated the project was never brought before the committee for review and discussed a letter submitted by Anthony Cresap, a concerned property owner, on file in the Clerk's Office, stating the above requested rezone was contrary to the specific plan; Victor Mehia concurred with Mr. Owdem, stating the project needed additional time for discussion, emphasized the staff report stated there was no public interest at the Planning Commission meeting, but noted a gentleman was present who represented approximately 200 people, and concluded by adding that the majority of the property was zoned C-5 which was incompatible to the requested rezone.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

Councilmember Sterling expressed concern regarding the possibility of a used car lot being built and recommended building a retail shopping center, with brief discussion ensuing.

A motion by Councilmember Sterling to deny the rezone application and have the property remain at C-5 was made and after brief discussion was withdrawn.

City Attorney Montoy stated there were three options to review which were approve the rezone, approve the rezone to C-6 but revise the ordinance to state a used car lot would not be built on subject property which would result in a Conditional Use Permit process or refer the project back to staff.

Extensive discussion ensued regarding the length of time the project would take if the ordinance was denied or if it was referred back to staff. Councilmember Boyajian stated the issue should be referred back to staff and return with plans for a shopping center and recommended amending the original motion to state the rezone application would be referred back to staff without prejudice, with Councilmember Sterling concurring and withdrawing her original motion.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the request for Rezone Application No. R-03-22 and environmental findings, filed by Francisco Alvarado for property located on the northwest corner of N. Van Ness Avenue and the Freeway 180 on-ramp in Council District 3, hereby referred back to staff without prejudice, by the following vote.

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

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(10:15 A.M.) HEARING ON REZONE APPLICATION NO. R-03-71 AND ENVIRONMENTAL FINDINGS, FILED BY ROBERT AND MARY SADLEK, PROPERTY LOCATED ON THE NORTHEAST CORNER OF N. MARKS AND W. SIERRA AVENUES IN COUNCIL DISTRICT 2

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-03-71, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (MEIR NO. 10130)

2. BILL NO. B-44 - ORDINANCE NO. 2004-45 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-A TO R-1-C

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Salinas gave a brief overview of the staff report and recommended approval.

Robert Sadlek, the applicant, 6420 N. Marks, reviewed the history of the project, and stated he was available for questions.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

Councilmember Calhoun stated this was a good example of the process working correctly and emphasized that the applicant was satisfied even though there was additional expenses.

On motion of Councilmember Calhoun, seconded by Councilmember Boyajian, duly carried, RESOLVED, the environmental finding of Environmental Assessment No. R-03-071 dated February 20, 2004, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130), hereby approved, and the above entitled Bill No. B-44, rezoning the subject site adopted as Ordinance No. 2004-45, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

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(10:30 A.M.) HEARING ON REZONE APPLICATION NO. R-04-05 AND ENVIRONMENTAL FINDINGS, FILED BY DANIEL ELISEIAN, PROPERTY LOCATED ON THE NORTH SIDE OF W. AMADOR AVENUE BETWEEN S. ARTHUR AND S. THORNE AVENUES IN COUNCIL DISTRICT 3

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT BO. R-04-05/TPM-2004-02, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER EIR NO. 10130

2. BILL NO. B-45 - ORDINANCE NO. 2004-46 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1 TO R-2-A

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Bernal briefly reviewed the issue as submitted and recommended approval.

Speaking in support of the issue were: Dan Eliseian, applicant, stated 1 of 18 homes was being built in the area and thanked staff and City Council; Barbara Hunt, 2475 S. Walnut; and Joseph Kitchen, a resident of the area, stated there were numerous vacant lots in the subject area and was happy to see homes being built.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

Councilmember Sterling thanked Mr. Kitchen for speaking to the Council and commended Mr. Eliseian on developing nice homes in District 3. President Castillo questioned how long the process took to get where it was at the present time and requested staff look at ways of reducing the time and to make them less cumbersome.

On motion of Councilmember Sterling, seconded by Council President Castillo, duly carried, RESOLVED, the environmental finding of Environmental Assessment No. R-04-06/TPM 2003-22, dated March 17, 2004, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130), hereby approved, and the above entitled Bill No. B-45 adopted as ordinance No. 2004-46, subject to the following conditions of zoning: Recordation of an Navigation Easement concurrent with the approval of a Final Parcel Map, Conditional Use Permit, or Site Plan Review Application; maximum density of 150 persons per acre on the subject site; and height limitation on structures, trees, and other objects in accordance with Part 77, Subpart C, of the Federal Aviation Regulations (FAR), by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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(3-A) (DISCUSSED EARLIER IN THE MEETING) CONSIDER SETTING A HEARING ON AN APPEAL OF THE PLANNING AND DEVELOPMENT DIRECTOR'S APPROVAL OF CONDITIONAL USE PERMIT APPLICATION NO. C-02-226 FILED BY WILKINS ENTERPRISES, FOR 20+ ACRES LOCATED AT THE NORTHEAST CORNER OF W. HERNDON AND N. VALENTINE AVENUES - COUNCILMEMBER CALHOUN

City Attorney Montoy stated Council needed to schedule a specific date and time for the above listed request pursuant to the Fresno Municipal Code.

On motion of Councilmember Calhoun, seconded by Councilmember Sterling, duly carried, RESOLVED, June 15, 2004, at 4:00 p.m. hereby scheduled to hear an appeal of the Planning and Development Director's approval of Conditional Use Permit Application No. C-02-226 filed by Wilkins Enterprises, for 20+ acres located at the northeast corner of W. Herndon and N. Valentine Avenues, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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BREAK 10:54 A.M. - 11:00 A.M.

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(10:45 A.M.) HEARING ON REZONE APPLICATION NO. R-04-06 AND ENVIRONMENTAL FINDINGS, FILED BY PEARL DONATO, PROPERTY LOCATED ON THE SOUTH SIDE OF E. IOWA AVENUE BETWEEN N. FINE AND N. WILLOW AVENUES IN COUNCIL DISTRICT 7

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-04-06/TPM-2003-22, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (MEIR NO. 10130)

2. BILL NO. B-46 - ORDINANCE NO. 2004-47 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FORM R-A TO R-1

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Bernal briefly reviewed the staff report as submitted and recommended approval.

Ron Greenwood, representing the applicant, requested approval.

Upon call, no one else wished to be heard and President Castillo closed the hearing.

On motion of Acting President Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the environmental finding of Environmental Assessment No. R-04-06/TPM 2003-22, dated March 17, 2004, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130), hereby approved, and the above entitled Bill No. B-46 rezoning the subject site adopted as Ordinance No. 2004-47, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes : None
Absent : None

Councilmember Duncan stated he found it interesting that a couple of years ago most rezones were in District 6 and was pleased with the General Plan redirecting growth as the rezoning was now occurring in all districts.

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LUNCH 10:58 A.M. - 2:00 P.M.

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(2:00 P.M. #1) CONTESTED CONSENT ITEM(S):

(1-H) RESOLUTION NO. 2004-153 - APPROVING PAYMENT OF UP TO \$70,000 TO ROTARY PARK STORYLAND/PLAYLAND FOR THE PURPOSE OF ALLOWING THE FACILITY TO PURCHASE PRIMARY GENERAL LIABILITY INSURANCE COVERAGE FOR THE PERIOD MAY 2004 THROUGH APRIL 2005, THROUGH AN OUTSIDE BROKER AND THE FACILITY TO SUBMIT AN APPROPRIATE BUSINESS PLAN

Councilmember Calhoun expressed concern that the City was providing approximately \$70,000 of taxpayers dollars to support a private organization and stated there could be other organizations requesting the same services. He questioned whether Playland/Storyland knew the exact cost per year of the liability insurance with Peter Zeitler, of Playland/Storyland, stating they did have an estimate of \$50,000 from \$55,000 for the primary coverage and another \$15,000 for the excess coverage totaling approximately \$70,000. Councilmember Calhoun questioned how the process would work due to the money coming from Risk Management with Personnel Services Director Gonzalez stating the primary coverage from the bid received last Friday was \$53,112.50 and the bid did not cover the excess coverage. Ms. Gonzalez explained the money would come out of the City's internal liability fund which is used to pay claims that are filed against the City, adding in this instance there was no mechanism to receive any monies from Playland to replenish the fund. Councilmember Calhoun questioned why the money would come from Risk Management with Ms. Gonzalez and Risk/Safety Manager Turner responding.

(4-0) Extensive discussion ensued regarding the required Business Plan Playland/Storyland is required to complete and the expectations of what was going to come out of the Business Plan with Assistant City Manager Souza stating the Mayor's main concern was to prevent the City from being in the same position next year, and upon the return of the plan, staff would review to see what options could be formulated. Councilmember Calhoun questioned whether the Business Plan included Playland/Storyland paying the money back to the City over a period of time, with Mr. Souza responding. City Attorney Montoy stated the matter presently before the Council was consistent with the direction Council gave staff earlier and noted the resolution before Council reflected that direction. Councilmember Calhoun discussed the emergency meeting Playland/Storyland was to have held last week addressing these issues and reiterated his concern stating Playland/Storyland needed to pay the City back rather than make upgrades or purchasing additional equipment.

Councilmember Boyajian expressed concern with the increase of insurance cost from last year to this year and felt Council was to pay only the difference between what it was last year to what it is this year, stated the organization has made no attempt to pay insurance and questioned whether Playland/Storyland could afford to pay any of the insurance with Mr. Zietler stating the organization was not in a position to pay this year. Doug Holton from Playland/ Storyland, reviewed the five policies the organization had to cover with the primary focus being on the liability policy. Councilmember Boyajian reiterated his concern with the organization making no attempt to pay any portion of the insurance, adding he thought the City was just assisting with a portion of the insurance, rather than the entire amount.

Mr. Zeitler gave an extensive review of the financial problems Playland/Storlyand faced several years ago as a result of the insurance rising dramatically. Councilmember Boyajian stated the money involved belonged to the taxpayers and noted that if the City was in the same situation, the City would be obligated to reimburse the costs. Ms. Montoy stated the bid was received by the City in the amount of \$53,000 and the resolution would be amended to reflect that amount.

Councilmember Duncan stated the motion on the floor was to pay the liability insurance this year and noted the intent was to help the organization and emphasized there were several options remaining to solve the problem.

A motion to adopt the above entitled resolution was voted upon after brief discussion.

Councilmember Calhoun encouraged amending the motion to require additional revenues beyond the basic operations of Playland/Storyland be returned to the City of Fresno which was not included in the original motion.

President Castillo questioned how many staff members were being paid with Mr. Zietler and Mr Holton responding. President Castillo questioned what occurred during the special meeting held last week for the purpose of discussing combining the liability insurance with the zoo, with Mr. Holton stating the emergency board meeting was not held, but noted they were in continuous contact with the zoo.

Ms. Gonzalez clarified for the record that the item was brought at Council's request to provide assistance to Storyland/Playland and the reason it was before the Council was because it was a policy issue.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2004-153 hereby adopted, by the following vote:

Ayes	:	Dages, Duncan, Perea, Sterling,
Noes	:	Boyajian, Calhoun, Castillo
Absent	:	None

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There being no further business to bring before the City Council, the hour of 2:34 p.m. having arrived and hearing no objections, President Castillo declared the meeting adjourned.

APPROVED on the ____ day of May, 2004.

_____ Brad Castillo, Council President	ATTEST: _____ Cindy Bruer, Assistant City Clerk
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(2:00 P.M. #2) CLOSED SESSION OF THE REDEVELOPMENT AGENCY:

(A) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - TITLE: REDEVELOPMENT AGENCY EXECUTIVE DIRECTOR DAN FITZPATRICK

The Redevelopment Agency met in closed session in Room 2125 at the hour of 2:34 p.m. to consider the above issue and adjourned thereafter.

